

**BATES V. DHHS
CONSENT DECREE PARAGRAPH 27
BI-ANNUAL REPORT: GRIEVANCE FILINGS
JULY 1, 2011 – DECEMBER 31, 2011**

As a component of the Bates vs. DHHS Consent Decree Settlement Agreement, DHHS Office of Adult Mental Health Services (OAMHS) is required to report on the numbers of grievances filed within the adult mental health system semi-annually. This report summarizes the Level 2 and Level 3 Grievances filed from July 1, 2011 – December 31, 2011.

Paragraph 27 of the Settlement Agreement states: “Defendants shall prepare semi-annual reports of all complaints and of all grievances appealed to the Superintendent of AMHI (Riverview), the Director of the Bureau of Mental Health (Office of Adult Mental Health Services) and the Commissioner. Said report shall summarize the issues raised and, findings made and remedial actions taken, and shall be submitted to the master, counsel for the plaintiffs and the Office of Advocacy.”

Level 2 Grievances: Community

None reported

Level 2 Grievances: Riverview Psychiatric Center

Allegation: Client alleges sexual harassment when a female staff entered the bathroom that he was in without knocking.

Finding: Not substantiated

Response: Client came to agreement that because of his continued discomfort with a specific staff member that the staff member would no longer be assigned to him during his hospitalization. Client agreed that a remedy had been reached.

Level III Appeal: No

Level 2 Grievances: Dorothea Dix Psychiatric Center

Allegation: Client alleges that staff person treated him with complete lack of respect and did not address his medical issue. Indicated that he had tried to work with this staff person in the past and she does not listen or value the client’s perspective.

Finding: Substantiated

Response: Requested fact finding in the matter raised and extended an apology, thanking the client for bringing the issue to her attention so that she could take steps to assure that it does not happen again.

Level III Appeal: No

Allegation: Client alleges that he was told that he would not be able to keep his therapist from a particular unit in the hospital, stating that he needed a therapist to talk to during the week.

Finding: Not substantiated

Response: Staff clarified that the ‘therapist’ that the client was referencing was a psychology intern and was not the client’s therapist on the other unit – as she was a student she was not

assigned to clients as their therapist. Informed the client of the persons available to talk to as needed and thanked him for raising the issue.

Level 3 Appeals:

None reported in the Community or at Riverview Psychiatric Center.

Level 3 Grievance: Dorothea Dix Psychiatric Center

Allegation: Client alleges that the medication being given to him makes him sick and that his heart is being weakened by the medication. Client states that it 'bothers my system along with my other problems' and '...gives me a congested heart and compromises my ability to function as a human'.

Finding Level 2: Not substantiated

Response: Review did not find that the client's right to adequate medical care had been violated; and that client's medical care had been reviewed by another physician as well as the District Court who approved and ordered the treatment.

Level III Appeal: Submitted July 13, 2011

Finding Level III: Not substantiated

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